

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTIN SORLIEN,

Petitioner,

v.

CASE NO. 07-CV-13746
HONORABLE VICTORIA A. ROBERTS

PERCY CONERLY,

Respondent.

**ORDER GRANTING PETITIONER'S MOTION TO DISMISS
WITHOUT PREJUDICE THE PETITION FOR WRIT OF HABEAS CORPUS**

This matter is before the Court on Petitioner's motion to voluntarily dismiss his petition for writ of habeas corpus, which contains exhausted claims concerning the sufficiency of the evidence and the great weight of the evidence, so that he may fully exhaust additional claims in the state courts. The Court previously denied Petitioner's motion to hold the case in abeyance pending exhaustion of additional claims.

Given that Petitioner seeks to pursue additional claims in the state courts and given that the time during which his habeas case has been pending before this Court is equitably tolled, *see Johnson v. Warren*, 344 F. Supp. 2d 1081, 1088-89 (E.D. Mich. 2004), the Court finds that dismissal of the present petition is appropriate to preserve Petitioner's ability to seek habeas relief on all of his issues, as necessary.

Accordingly,

IT IS ORDERED that Petitioner's motion to dismiss is **GRANTED** and that the petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. This case is closed.

Should Petitioner wish to seek federal habeas relief following the exhaustion of his state court remedies, he must file a new habeas petition in federal court within the time remaining on the one-year statute of limitations.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 28, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se petitioner by electronic means or U.S. Mail on March 28, 2008.

s/Carol A. Pinegar
Deputy Clerk